

**Operating Procedure for Hampshire Division of the Probate and Family Court  
Under Standing Order 1 – 21, effective July 12, 2021**

**A. General information:**

Effective July 12, 2021, the Probate and Family Court will be open to conduct all emergency and non-emergency court business in person, except for the matters identified in Paragraph C below and any matter that a judge determines shall be held virtually.

The ability to conduct in-person hearings depends upon successful compliance with all safety protocols established by the Trial Court, including, but not limited to, Trial Court occupancy limits.

Parties may file pleadings by US mail, in person, or by e-filing where available. Email filings will be accepted when done so by a Court Service Center staff member or by an attorney volunteering through a Lawyer for the Day program on behalf of a self-represented litigant or if specifically authorized by the Supreme Judicial Court or the Executive Office of the Trial Court. Other email filings may be allowed at the discretion of each Register of Probate. Drop boxes may be available to file pleadings in some court locations.

Email filings will not be accepted, except as permitted per Standing Order 1-21.
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Hampshire does not currently have a drop box. Efforts are in place for the installation of a permanent 24-hour drop box.
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Electronic signatures will continue to be used, consistent with the current order of the Supreme Judicial Court, unless and until otherwise amended by subsequent orders or rules.

Virtual registries may continue to be used. Virtual registries offer all of the assistance normally available during an in-person visit, including face-to-face contact, the ability to obtain and get assistance with court forms, and access to court documents and docket information. [Information about virtual registries can be found here.](#)

Hampshire's Virtual Registry is available Mondays, Wednesdays, and Fridays from 9:00 a.m. to 4:00 p.m. To participate in the virtual registry, go to <a href="http://www.zoomgov.com/my/hampshirepf">www.zoomgov.com/my/hampshirepf</a> . For questions about the virtual registry, call 413-586-8500.
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**B. In-Person Proceedings:**

As of July 12, 2021, the Probate and Family Court will expand the scheduling of in-person hearings for all matters, except for the matters identified in Paragraph C below and any matter that a judge determines shall be held virtually. In-person hearings will be scheduled for the next available date and will be conducted on a staggered schedule.

Staggered scheduling for Hampshire Probate and Family Court will be updated as available.
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Questions regarding scheduling can be addressed to Jill Kelley at [jill.kelley@jud.state.ma.us](mailto:jill.kelley@jud.state.ma.us) or 413-586-8500.

If notice has already gone out and a matter is scheduled for a virtual hearing on or after July 12, 2021, the matter will still be held virtually unless the assigned judge determines the matter should be heard in person and the parties are notified of such change.

Where an in-person hearing is scheduled, a party may request that the hearing be conducted virtually, and the judge will rule on the request.

Parties may request by motion that a matter scheduled to be heard in person be heard virtually instead. Joint motions or assented-to motions for virtual hearings will be acted on administratively. Contested motions for virtual hearings must be scheduled for hearing.

Questions can be addressed to Noelle Barrist Stern at [noelle.stern@jud.state.ma.us](mailto:noelle.stern@jud.state.ma.us) or 413-587-5259 or Corey Carvalho at [corey.carvalho@jud.state.ma.us](mailto:corey.carvalho@jud.state.ma.us) at 413-587-5213.

Alternatively, a judge, upon request, may authorize a participant (an attorney, party, or witness) to appear virtually while other participants appear in person, so long as it is consistent with due process and fundamental fairness. A participant who requests to appear virtually for an otherwise in-person proceeding shall have no grounds to object to other participants appearing in person.

A party may request by motion to appear virtually for an in-person hearing. Joint motions or assented-to motions to appear virtually will be acted on administratively. Contested motions to appear virtually must be scheduled for hearing.

Questions can be addressed to Noelle Barrist Stern at [noelle.stern@jud.state.ma.us](mailto:noelle.stern@jud.state.ma.us) or 413-587-5259 or Corey Carvalho at [corey.carvalho@jud.state.ma.us](mailto:corey.carvalho@jud.state.ma.us) at 413-587-5213.

#### C. Virtual Proceedings:

The following matters shall be held virtually and on a staggered schedule:

1. Uncontested adoptions, unless the assigned judge determines that the matter should be heard in person;
2. Uncontested divorces;
3. Rogers reviews;
4. Best efforts § 29B annual reviews – DCF custody;
5. Any action involving child support only, except for contempt actions;
6. Case Management/Status conferences; and
7. Discovery motions.

Changes to staggered scheduling for virtual matters in Hampshire Probate and Family Court will be updated as available.

Questions regarding scheduling can be addressed to Jill Kelley at [jill.kelley@jud.state.ma.us](mailto:jill.kelley@jud.state.ma.us) or 413-586-8500.

Matters that are generally handled administratively (e.g., marriage without delay; joint modification); uncontested/assented to motions (e.g., appointment of GAL; continue date of hearing; file marriage certificate late); and uncontested/routine allowables in probate actions (e.g., informal petition; transfer of guardianship or conservatorship from another state; accounts; appointment of GAL; license to sell; alternative service; waiver of sureties; motion to file death certificate late) will continue to be handled administratively. If such a matter is not handled administratively, a virtual hearing will be scheduled.

In the absence of exceptional circumstances, as determined by the judge conducting the hearing, no party or attorney for a party may be physically present in the courtroom for a scheduled virtual hearing.

However, in cases with one or more self-represented litigants, judges shall consider the possibility that self-represented litigants may have limited access to the technology needed or limited experience with such technology and either assist the self-represented litigant or offer the option to appear in person.

A judge may also consider matters through an administrative review process and determine motions in accordance with Rule 78.

Depending on the subject matter, in addition to those matters listed above, the Court may consider the following matters administratively: assented-to motions and some agreements for temporary orders or judgment.

For questions related to administrative allowances, please contact Noelle Barrist Stern at [noelle.stern@jud.state.ma.us](mailto:noelle.stern@jud.state.ma.us) or 413-587-5259 or Corey Carvalho at [corey.carvalho@jud.state.ma.us](mailto:corey.carvalho@jud.state.ma.us)

D. Protocol in the event of a court closure by the Trial Court:

**1. Emergency Contact Information:**

Court email address: [hampshireprobate@jud.state.ma.us](mailto:hampshireprobate@jud.state.ma.us)

SafePlan Advocate phone number: 413-266-9968

2. Emergency contact information (the telephone number of the Registry (413-586-8500), the telephone number for the SafePlan advocate (413-266-9968), and the court email address, [hampshireprobate@jud.state.ma.us](mailto:hampshireprobate@jud.state.ma.us)) will be posted on the Courthouse doors. Registry staff will access Registry messages and emails regularly.
3. In emergency matters, the Registry will contact the JCM/AJCM. Whenever possible, the Registry will work with the attorney or litigant to complete the appropriate paperwork online and email it to the Court. If a self-represented person is unable to fill out the paperwork online, the litigant will be asked to describe the situation and relief

sought in an email. If the litigant does not have email, the Registry will ask the person to state what the issue is, the relief sought, and how urgent it is, and transmit this information to the JCM/AJCM.

4. The Registry will forward this email, with or without attached filings, to the JCM/AJCM. If the person does not have email, the Registry will call the JCM/AJCM and explain the situation.
5. The Registry will try to obtain the following information from the litigant:
  - a. The name, phone number, email address, and residential address of the parties;
  - b. The docket number of any open or closed case;
  - c. Whether it is a Hampshire case, and if not, the division in which the case is filed;
  - d. If the case is open, the status of the case, including the date and terms of the last order and the next event;
  - e. Whether there is an active 209A and, if so, the court that issued it and the terms; and
  - f. Whether DCF is involved.
6. The petitioner will be told to mail originals to the Court for later filing and docketing.
7. The JCM/AJCM shall determine if the case is appropriate for dispute intervention with Probation. If not, the matter will be directed to a Judge.
8. If the case is sent to Probation for dispute intervention and Probation is able to resolve the matter with an agreement, and it would be beneficial to have the parties' agreement become an order, Probation will contact the JCM/AJCM who will contact the Judge, and the agreement will be reported on the record through a telephonic or Zoom hearing. An order will be processed and sent out at such time as the Registry is able to perform those functions again.
9. Also, if necessary for the case, either Probation or the JCM/AJCM will obtain the full name and date of birth of all necessary individuals and will request that Probation find another Probation Office to run a CARI record to be shared with the Judge.
10. If the situation suggests that a 51A may need to be filed, the JCM/AJCM will arrange for Probation to participate during any hearing.
11. Prior to any hearing, all information, including the Petitioner's telephone number, the Respondent's telephone number, DCF contact information, the CARI, and any pleadings/emails shall be forwarded to the Judge.
12. If an immediate hearing is required, it will be conducted telephonically or by Zoom. The JCM/AJCM shall provide the hearing information to the attorneys and litigants

and, if applicable, Probation, and DCF. The hearing will be recorded and all participants will be sworn.

13. The JCM/AJCM will assist the Judge with the processing of any resulting order. The order will be saved and distributed as an un-editable PDF, and the typed signature of the Judge will suffice for the entry of the order.

14. At no time will the private contact information for any Justice, JCM/AJCM, or other staff member be disclosed to any litigant, attorney, or other individual.

E. Contact Information:

Emergency phone number	413-586-8500	
Emergency email address	<a href="mailto:hampshireprobate@jud.state.ma.us">hampshireprobate@jud.state.ma.us</a>	
Registry phone number	413-586-8500	
Probation contact	Ronald Waskiewicz or Jo-Ana Lopez	<a href="mailto:ronald.waskiewicz@jud.state.ma.us">ronald.waskiewicz@jud.state.ma.us</a> ; <a href="mailto:joana.lopez@jud.state.ma.us">joana.lopez@jud.state.ma.us</a> ; 413-586-8503
Judicial Case Manager	Noelle Barrist Stern	<a href="mailto:noelle.stern@jud.state.ma.us">noelle.stern@jud.state.ma.us</a> ; 413-587-5259
Assistant Judicial Case Manager	Corey Carvalho	<a href="mailto:corey.carvalho@jud.state.ma.us">corey.carvalho@jud.state.ma.us</a> ; 413-586-5213
Sessions Clerk (Judge Fidnick)	Wendy Fuller	<a href="mailto:wendy.fuller@jud.state.ma.us">wendy.fuller@jud.state.ma.us</a>
Sessions Clerk (Judge Dacyszyn and Judge Sandman)	Diane Houle	<a href="mailto:diane.houle@jud.state.ma.us">diane.houle@jud.state.ma.us</a>
Judicial Assistant	Patricia Hutchins	<a href="mailto:patricia.hutchins@jud.state.ma.us">patricia.hutchins@jud.state.ma.us</a>

F. Additional Information:

The Court may refer cases to the Probation Department for dispute intervention services, which the Probation Department will conduct remotely. Dispute intervention referrals for matters that are scheduled before the Court, such as motions, contempts, and pre-trial conferences, will occur one business day prior to the scheduled Court hearing. Case management conferences that are scheduled with the Probation Department only (where there is no hearing scheduled) will occur on the date indicated in the notice. **Please pay close attention to the scheduling notice. It will provide detailed information regarding whether the case has been referred to the Probation Department, the date of the dispute intervention, and participation instructions.**

The Probation Department also is available to assist attorneys and litigants, upon their request, with dispute intervention for all pending matters. If parties jointly seek the Probation

Department's assistance, the attorneys or litigants should contact Chief Probation Officer R.J. Waskiewicz or Assistant Chief Probation Officer Jo-Ana Lopez at 413-586-8503.

**Lawyer for the Day:** The Lawyer for the Day program is operating via telephone. Individuals seeking assistance should contact the Registry at 413-586-8500 for more information.

**Mediation/Conciliation:** Mediation and conciliation sessions are operating by telephone or Zoom. Individuals seeking assistance should contact the Registry at 413-586-8500 for more information.

**Center for Human Development (CHD):** CHD Liaison Stephanie Delano, MSW, LCSW, is available to counsel families. She may be contacted at [sdelano@chd.org](mailto:sdelano@chd.org).

**Family Resolutions Specialty Court:** FRSC is operating. The best way to contact the FRSC Family Consultants is by email. Deborah Roth-Howe is available at [deborah.rothhowe@jud.state.ma.us](mailto:deborah.rothhowe@jud.state.ma.us) and Patrick Fleming is available at [patrick.fleming@jud.state.ma.us](mailto:patrick.fleming@jud.state.ma.us). Please direct all other FRSC questions to Noelle Barrist Stern at [noelle.stern@jud.state.ma.us](mailto:noelle.stern@jud.state.ma.us).